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Tenth emergency special session
Agenda item 5

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[*without reference to a Main Committee (A/ES-10/L.5/Rev.1)*]

ES-10/6. Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

The General Assembly,

Reaffirming the resolutions of its tenth emergency special session, namely, ES-10/2 of 25 April 1997, ES-10/3 of 15 July 1997, ES-10/4 of 13 November 1997 and ES-10/5 of 17 March 1998,

Determined to uphold the purposes and principles embodied in the Charter of the United Nations, international humanitarian law and all other instruments of international law, as well as relevant General Assembly and Security Council resolutions,

Reiterating the permanent responsibility of the United Nations towards the question of Palestine until it is solved in all its aspects,

Aware that Israel, the occupying Power, has not heeded the demands made in the resolutions of the tenth emergency special session and that it continues to carry out illegal actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory, in particular settlement activity, including the construction of the new Israeli settlement at Jebel Abu Ghneim, the building of other new settlements and the expansion of existing settlements, the construction of bypass roads and the confiscation of lands,

Reaffirming that all illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory, especially settlement activities and the practical results thereof, remain contrary to international law and cannot be recognized, irrespective of the passage of time,

Expressing its appreciation to the Government of Switzerland, in its capacity as depositary of the four Geneva Conventions,[1] and to the International Committee of the Red Cross for their efforts to uphold the integrity of the Conventions,

Increasingly concerned about the persistent violations by Israel, the occupying Power, of the provisions of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[2]

Conscious of the serious dangers arising from persistent violations and grave breaches of the Fourth Geneva Convention and the responsibilities arising therefrom,

Aware of the upcoming fiftieth anniversary of the four Geneva Conventions, which is an occasion for renewed determination to promote international humanitarian law further and to reaffirm the undertaking by the High Contracting Parties to respect and to ensure respect for the Conventions in all circumstances in accordance with common article 1,

Taking note of the measure taken by the Government of Switzerland to organize a meeting between the Palestinian and Israeli sides, in the presence of the International Committee of the Red Cross, which was held at Geneva from 9 to 11 June 1998 and was aimed at examining ways to contribute to the effective application of the Fourth Geneva Convention in the Occupied Palestinian Territory, and expressing disappointment that Israeli violations of the Convention continued unabated in spite of such a measure,

Taking note also of the meeting of experts of the High Contracting Parties, convened from 27 to 29 October 1998 at the invitation of the Government of Switzerland, in its capacity as the depositary of the Convention, on general problems concerning the Convention, in particular in occupied territories, as well as of the Chairman's report of the proceedings of that meeting,

Gravely concerned at the suspension, on 20 December 1998, by the Government of Israel of the implementation of the Wye River Memorandum, signed at the White House in Washington, D.C., on 23 October 1998, including the negotiations on the final settlement, which should be concluded by 4 May 1999,

Determined to persist in its work to bring about compliance by Israel, the occupying Power, with the terms of resolutions adopted by the tenth emergency special session,

Aware that, under the circumstances, it should continue to consider the situation with a view to making appropriate recommendations to the States Members of the United Nations in accordance with General Assembly resolution 377 A (V) of 3 November 1950,

1. *Reiterates its condemnation* of the failure of the Government of Israel to comply with the provisions of resolutions ES-10/2, ES-10/3, ES-10/4 and ES-10/5;

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[1] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

[2] Ibid., No. 973.

2. *Expresses its grave concern* at the adoption by the Knesset of the law of 26 January 1999 and the legislation of 27 January 1999, and reaffirms that all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purport to alter the character, legal status and demographic composition of Occupied East Jerusalem and the rest of the Occupied Palestinian Territory, are all null and void and have no validity whatsoever;

3. *Reiterates* in the strongest terms all the demands made of Israel, the occupying Power, in the above-mentioned resolutions of the tenth emergency special session, including the immediate and full cessation of the construction at Jebel Abu Ghneim and of all other Israeli settlement activities, as well as of all illegal measures and actions in Occupied East Jerusalem, the acceptance of the *de jure* applicability of the Fourth Geneva Convention and compliance with relevant Security Council resolutions, the cessation and reversal of all actions taken illegally against Palestinian Jerusalemites and the provision of information about goods produced or manufactured in the settlements;

4. *Reiterates also* its previous recommendations to Member States for the cessation of all forms of assistance and support for illegal Israeli activities in the Occupied Palestinian Territory, including Jerusalem, in particular settlement activities and actively to discourage activities that directly contribute to any construction or development of those settlements;

5. *Affirms* that, in spite of the actual deterioration of the Middle East peace process as a result of the lack of compliance by the Government of Israel with the existing agreements, increased efforts must be exerted to bring the peace process back on track and to continue the process towards the achievement of a just, comprehensive and lasting peace in the region on the basis of Security Council resolutions 242 (1967) and 338 (1973) and the principle of land for peace, as well as Security Council resolution 425 (1978);

6. *Reiterates* its recommendation that the High Contracting Parties to the Fourth Geneva Convention convene a conference on measures to enforce the Convention in the Occupied Palestinian Territory, including Jerusalem, and to ensure respect thereof in accordance with common article 1, and further recommends that the High Contracting Parties convene the said conference on 15 July 1999 at the United Nations Office at Geneva;

7. *Invites* the Government of Switzerland, in its capacity as the depositary of the Geneva Convention, to undertake whatever preparations are necessary prior to the conference;

8. *Requests* the Secretary-General to make the necessary facilities available to enable the High Contracting Parties to convene the conference;

9. *Expresses its confidence* that Palestine, as a party directly concerned, will participate in the above-mentioned conference;

10. *Decides* to adjourn the tenth emergency special session temporarily and to authorize the President of the most recent General Assembly to resume its meeting upon request from Member States.

12th plenary meeting
9 February 1999